

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 138

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO ACTIONS FOR NEGLIGENCE; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-809, IDAHO CODE, TO PROVIDE FOR NEGLIGENCE ACTIONS AGAINST CERTAIN INDIVIDUALS IN THE EVENT OF INJURY OR DEATH TO A PERSON CAUSED BY A NONNATIVE ANIMAL SPECIES OR SUBSPECIES INTRODUCED INTO THE STATE OF IDAHO BY A GOVERNMENTAL AGENCY, TO DEFINE A TERM AND TO PROVIDE AN EXCEPTION TO APPLICABILITY OF CERTAIN PROVISIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 8, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-809, Idaho Code, and to read as follows:

6-809. DEATH OR INJURY TO PERSON BY NONNATIVE ANIMAL SPECIES OR SUBSPECIES. In the event of injury or death to a person caused by a nonnative animal species or subspecies introduced into the state of Idaho by a governmental agency, there shall exist a civil cause of action for negligence for the injury or death against any individual instrumental in the introduction or protection of the nonnative animal species or subspecies. Notwithstanding any other provision of law, for purposes of this section, "individual" shall mean any person performing a primary role in the introduction or protection of the nonnative animal species or subspecies. The exceptions to governmental liability provisions of chapter 9, title 6, Idaho Code, shall not be applicable to negligence actions brought pursuant to this section.